

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

MICHAEL LAFORTUNE

*** CIVIL ACTION NO. 06-1071**

VERSUS

*** JUDGE JAMES**

ALBERTO GONZALES, ET AL.

*** MAGISTRATE JUDGE HAYES**

REPORT AND RECOMMENDATION

Before the court is Michael Lafortune's ("Lafortune") *pro se* Petition for Writ of *Habeas Corpus* (28 U.S.C. § 2241) (Doc. No. 3) filed on July 17, 2006. When he filed his petition, Lafortune was in the custody of the Department of Homeland Security/Bureau of Immigration Customs Enforcement (DHS/BICE) and was detained at the Tensas Parish Detention Center, Waterproof, Louisiana. For reasons stated below, it is recommended that Lafortune's petition be **DISMISSED WITH PREJUDICE** as **MOOT**.

STATEMENT OF THE CASE

Lafortune's claim is limited to a challenge to his continued detention under *Zadvydas v. Davis*, 533 U.S. 678, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001). The government filed a response on November 28, 2006, advising the court that Lafortune had been removed from the United States and returned to Haiti (Doc. No. 22) and, on December 13, 2006, the government moved to dismiss LaFortune's *habeas* petition as moot (Doc. No. 26).

LAW AND ANALYSIS

The undisputed evidence before the court establishes that Lafortune is no longer in custody, that he has been removed from the United States, and that his claim was limited to a challenge to his detention pending removal. Thus, Lafortune's *habeas* petition is now moot.

Therefore, **IT IS RECOMMENDED** that the Petition for Writ of *Habeas Corpus* filed by Michael Lafortune be **DENIED** and **DISMISSED WITH PREJUDICE AS MOOT**.

Under the provisions of 28 U.S.C. §636(b)(1)(C) and FRCP Rule 72(b), the parties have **ten (10) business days** from service of this Report and Recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within **ten (10) business days** after being served with a copy thereof. A courtesy copy of any objection or response or request for extension of time shall be furnished to the District Judge at the time of filing. Timely objections will be considered by the District Judge before he makes a final ruling.

A PARTY'S FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY, EXCEPT ON GROUNDS OF PLAIN ERROR, FROM ATTACKING ON APPEAL THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE.

THUS DONE AND SIGNED at Monroe, Louisiana, this 13th day of December, 2006.



KAREN L. HAYES
U. S. MAGISTRATE JUDGE